

August 01 2022 3:59 PM

CONSTANCE R. WHITE  
COUNTY CLERK  
NO: 20-2-06886-7

**EXHIBIT A**

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

LISAH S. MOEGLING,

Plaintiff,

v.

STEPHEN R. BROWN,

Defendant.

Case No. 20-2-06886-7

**PLAINTIFF'S MOTION FOR  
JUDGMENT ON SPECIAL JURY  
VERDICT**

**CLERK'S ACTION REQUIRED**

THIS MATTER came on for a regularly scheduled jury trial between the dates of July 13, 2022, through July 22, 2022, and was tried by a jury of twelve members, before Honorable Karena Kirkendoll, the presiding judge in the above-entitled court.

The Plaintiff, Lisah S. Moegling, was represented by Shaun M. Murphy of Slovak Baron Empey Murphy & Pinkney, LLP. The Defendant, Stephen R. Brown, was represented by John Du Wors of Newman Du Wors, LLP.

The parties presented evidence and testimony to the jury on July 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> of 2022. The jury returned a unanimous verdict in favor of Plaintiff, Lisah S. Moegling, on

**PLAINTIFF'S MOTION FOR JUDGMENT ON  
SPECIAL JURY VERDICT**

**1**

SLOVAK BARON EMPEY  
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1800 E. Tahquitz Canyon Way  
Palm Springs, CA 92262  
(760) 322-2275


1 her fraud claim(s), in the amount of two million five hundred eighty thousand dollars  
2 (\$2,580,000.00). (*A copy of the jury's verdict is attached as exhibit "A"*)

3 Plaintiff, Lisah S. Moegling, by and through her attorney of record, Shaun M. Murphy  
4 of Slovak Baron Empey Murphy & Pinkney, LLP, on the verdict of the jury returned and on  
5 file in the above-entitled action, and on the records and files of this case, now moves this court  
6 for an entry of judgment on jury verdict, for the sum of two million five hundred eighty  
7 thousand dollars (\$2,580,000.00) against the Defendant, Stephen R. Brown, and for its costs  
8 and disbursements of this action, plus future interest as it applies, under legal authority  
9 RCW 4.64.030.

10  
11 Dated: this 1<sup>st</sup> day of August, 2022

12  
13 Respectfully Submitted by:

14 **SLOVAK BARON EMPEY MURPHY &  
15 PINKNEY, LLP**

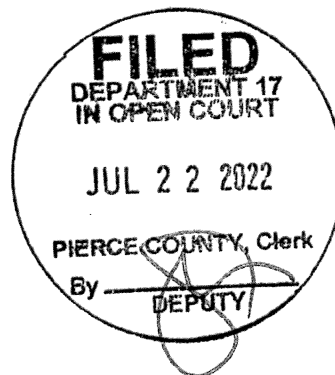
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17  
18 Shaun M. Murphy  
19 Attorney for Plaintiff, Lisah S. Moegling  
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23 **PLAINTIFF'S MOTION FOR JUDGMENT ON  
24 SPECIAL JURY VERDICT**

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# **EXHIBIT “A”**



IN THE SUPERIOR COURT OF WASHINGTON  
FOR THE COUNTY OF PIERCE

In re:

LISAH S. MOEGLING

VS.

STEPHEN R. BROWN

Case No.: 20-2-06886-7

SPECIAL VERDICT FORM

**QUESTIONS**

We, the jury, answer the questions submitted by the court as follows:

**QUESTION 1:**

***Did Stephen Brown commit fraud by intentional misrepresentation?***

Stephen Brown committed fraud by intentional misrepresentation if clear, cogent, and convincing evidence shows that:

- (1) he made a representation of existing fact;
- (2) the fact represented was material;
- (3) the representation was false;
- (4) he knew the representation was false;
- (5) Lisah Moegling did not know that the representation was false;
- (6) he intended that Lisah Moegling would act upon the representation;
- (7) Lisah Moegling had a right to rely on the truth of the representation;
- (8) Lisah Moegling relied on the truth of the representation; and
- (9) Lisah Moegling was damaged by reliance on the representation.

**ORIGINAL**

1  
2 **ANSWER:** "Yes" or "No." Yes: X No: \_\_\_\_\_  
3

4 **QUESTION 2:**

5 *Did Stephen Brown commit fraud by concealment?*

6 Stephen Brown committed fraud by concealment if clear, cogent, and convincing  
7 evidence shows either that:

- 8 (1) he made a representation of existing fact;  
9 (2) the fact represented was material;  
10 (3) the representation was false;  
11 (4) he knew the representation was false;  
12 (5) Lisah Moegling did not know that the representation was false;  
13 (6) he intended that Lisah Moegling would act upon the representation;  
14 (7) Lisah Moegling had a right to rely on the truth of the representation;  
15 (8) Lisah Moegling relied on the truth of the representation; and  
16 (9) Lisah Moegling was damaged by reliance on the representation.

17  
18 Or, that Stephen Brown had a legal duty to disclose to Lisah Moegling that he was  
19 infected with genital herpes before engaging in sexual intercourse and he failed to do so.  
20

21 **ANSWER:** "Yes" or "No." Yes: X No: \_\_\_\_\_  
22

23 If you answered "Yes" to Question 1 or 2, answer the following question. If you  
24 answered "No" to Question 1 *and* 2, do not answer the following question.

25 **QUESTION 3:**

26 *What sum of money, if paid now in cash, would fairly and reasonably compensate*  
27 *Lisah Moegling for her injuries, if any, that resulted from the occurrence in question.*  
28

29 Consider the elements of damages listed below and none other. Consider each element  
30 separately. Do not award any sum of money on any element if you have otherwise, under some  
31

1 other element, awarded a sum of money for the same loss. That is, do not compensate twice  
2 for the same loss, if any. Do not include interest on any amount of damages you find.

3 Answer separately in dollars and cents for damages, if any.

4 1. Past non-economic damages (pain, suffering, inconvenience, mental anguish,  
5 disability or disfigurement incurred by the plaintiff, emotional distress, loss of society and  
6 companionship, injury to reputation and humiliation).

7  
8 Answer: \$ 420,000.00

9 2. Future non-economic damages (pain, suffering, inconvenience, mental anguish,  
10 disability or disfigurement incurred by the plaintiff, emotional distress, loss of society and  
11 companionship, injury to reputation and humiliation).

12  
13 Answer: \$ 2,100,000.00

14  
15 3. Past economic expenses (reasonable expenses of medical care actually paid or  
16 incurred).

17  
18 Answer: Ø

19 4. Future economic expenses (reasonable expenses of medical care Lisah Moegling  
20 will, in reasonable probability, incur in the future).

21  
22 Answer: \$ 100,000.00

23  
24  
25 Dated 7/22/2022

26   
Presiding Juror